

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Monday, October 2, 1961, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: Councilman Bryant.

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INVOCATION.

The invocation was given by the Reverend J. LeGrande J. Mayer, Pastor, St. Luke's Luthern Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on September 25, 1961 were approved as submitted.

RECOMMENDATION OF CHAMBER OF COMMERCE THAT A CONTINUING TAX STUDY COMMITTEE COMPOSED OF THREE MEMBERS EACH OF CITY COUNCIL, COUNTY COMMISSIONERS AND CHAMBER OF COMMERCE BE APPOINTED, APPROVED.

Mr. J. H. Robinson, President, Chamber of Commerce, advised that their Board of Directors being aware of the many tax studies that have been made by various committees and groups, recommend that a Joint Committee, composed of three City Councilmen, three County Commissioners and three members of the Chamber of Commerce, be appointed by their respective groups to constitute a continuing Tax Study Committee.

Councilman Dellinger moved that the recommendation be approved and the three members of the Council be appointed by the Mayor. The motion was seconded by Councilman Smith, and unanimously carried.

PROTEST AGAINST POLICE BRUTALITY AGAINST NEGROES, AND IN PARTICULAR AGAINST MRS MARGARET ROBINSON, FILED BY CHARLOTTE BRANCH, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE.

Mr Kelly M. Alexander, Executive Secretary, Charlotte Branch, National Association for the Advancement of Colored People, filed with the Council a statement in protest of Police brutality against negroes in Charlotte, and an affidavit by Margaret Robinson, 828 East 10th Street, relative to her arrest by a Police Officer.

Mr Alexander stated the NAACP is unequivocally for respect of law and order in the community, to uphold the highest standards of public morality, to safeguard the rights of citizens and eradicate disrespect for the administration of justice. That they have had reported on many occasions recently the disregard of citizens' constitutional rights and indiscriminate arrests of alleged offenders against whom there is no incriminating evidence of violation of the law. That they have had reported the arbitrary acts of intimidation, harrassment and brutality by some officers of the Charlotte Police Department. That they feel the

City Council should know the pattern in reference to this matter, which they consider detrimental in the area of race relations as pertains to the conduct of police officers in reference to their relationship to the Negro community.

As an illustration of their point, he cited the arrest of Mrs Margaret Robinson, on September 22, 1961, at 3 p.m., at her residence at 828 East 10th Street, Apartment 2. Mrs Robinson was present at the meeting and stated she was at home, feeding her baby with the record player turned on, when her sister said a policeman was outside the house and told her to turn off the record player; and she replied to her sister it is getting so a person can't play their own record player. That two policemen entered the room shortly thereafter and asked who was talking back to the policemen outside, and she replied she was talking to her sister and not to him. That the officer said she was under arrest and jerked her up and the baby fell on the floor, and when she turned to pick him up she was hit in the back of the head by the officer. That she bit the policeman in self-defense. The other officer then hit her with his fist, and a third officer put handcuffs on her. That she was placed in the patrol car and taken to the police station, and transferred to another patrol car occupied by negro officers and taken to Good Samaritan Hospital. That on September 26th when she was to be released from the Hospital, the Police arrived and she was taken to the Police Station and placed in jail, where she overheard an officer tell another she was charged with disorderly conduct, resisting arrest, assulting an officer and playing her record player too loud. That her husband bailed her out of jail at 7:30 o'clock that day. Mrs Robinson's sister, Mrs Mattie Johnson, who resides at the same address in apartment 4, stated she was upstairs in her apartment and heard the commotion, left her baby in the bed and went down to her sister's apartment and picked up her sister's baby, and attempted to find out what it was all about, resulting in the policeman saying she was under arrest. That she took down the number of the Police Car which was No. 86.

Mr Alexander stated they brought these persons here to tell the Council of these acts of police brutality, which they feel is on the increase. That the Chiefs of Police through the years have tried to curb this, but it does not appear it is being curbed now, and they feel it must not continue.

Mayor Brookshire thanked Mr Alexander for bringing the matter to the attention of the Council. He stated the City Council cannot act as Judge or Jury, and they will ask the City Manager to make an investigation and bring them a report of the case presented.

Councilman Dellinger asked for a report in detail; a statement by the officers present, and a report covering all ramifications of the case.

Councilman Smith stated he knows for a fact that Chief Hord has talked with his officers <sup>regarding alleged brutality</sup> ~~on the subject~~; that he regrets very much the publicity that will be given this matter while the Council is waiting for a report.

It was decided to have the Officer who made the arrest come into the meeting and make a statement.

Assistant Chief Selvey, together with Officers Kelly, Beam and Greenwood came into the meeting, and Chief Selvey stated first, the Police Department does not permit brutality. That he was at the Station when Margaret Robinson was brought in, using loud, profane and indecent language. That she had blood all over her head and Officer Greenwood had blood on his arm where she had bitten him. He then read a statement by Officer J.R. Kelly stating he was making an investigation of a damaged car at 824 East 10th Street and the noise from the record player next door was so loud he could not be heard, he went to the door and asked the children to turn it down

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as it was creating a disturbance, and a child turned the volume down; as he stepped off the porch, Margaret Robinson called to him from the window, using a great deal of profanity that she was in her own house and would do what she pleased. That at this time he knew he was going to arrest her for disorderly conduct but knew better than to go into the house alone, so went across the street and called Headquarters for help, and Zone Car 86 arrived with Officers F. W. Greenwood and W. A. Beam. That they went into the house to arrest her, she was lying on the bed and when he told her she was under arrest, she came up fighting and yelling, and she flew into Officers Greenwood and Beam when they tried to subdue her, as he was trying to keep the crowd that had gathered out of the room and look after the infant on the floor. That he smelled alcohol on her breath.

Chief Selvey read a statement by Officers Beam and Greenwood, stating they answered the summons to 828 East 10th Street, Officer Kelly told them Margaret Robinson was using loud and profane language which could be heard from the street. That the loud speaker was sitting in the window playing; they entered the house to assist in the arrest and when Officer Kelly told her she was under arrest, she started pulling away, fighting and kicking; that she inflicted scratches on Officer Beam and sank her teeth into both of Officer Greenwood's arms and would not let go; that she had to be struck twice to make her release her hold on Officer Greenwood. That he had to go to Memorial Hospital to be treated and get shots to prevent infection. That Margaret Robinson was in an intoxicated condition.

Chief Selvey stated that Margaret Robinson is to be tried tomorrow morning and Charlie Bell is her attorney. He had Officers Beam and Greenwood show the injuries inflicted by Margaret Robinson to Council.

Councilman Dellinger stated the Council felt they should hear the side of the Officers too. He asked if the record player speaker was on the outside of the house, and Chief Selvey stated it was sitting in the window.

Councilman Thrower asked how the other girl was involved, and Chief Selvey said for interfering with an Officer.

Councilman Dellinger stated he thinks the Court will handle the situation when it comes up and there is nothing the Council can do about it.

Mayor Brookshire asked if the officers are constantly reminded to use all precautions in making arrests, and Chief Selvey stated they are trained and drilled as to how to make arrest of whites and blacks, and if they use brutality, they are punished. That he personally made an investigation of this and in his opinion no disciplinary action is due to be taken.

Mayor Brookshire stated that Judge Beacham will hear all testimony and render judgment.

ORDINANCE NO. 51 AMENDING CHAPTER 9, ARTICLE I, SECTION 9-23 TO PERMIT SALES FROM VEHICLES OF ICE CREAM FROM FREEZER DISPENSERS, ADOPTED.

Mr Charles Coira advised that he and his client have worked out a three-point safety program in connection with their request to operate Ice Cream Trucks from which soft ice cream will be dispensed directly from the machine; that only mature drivers will be employed to operate the trucks on a permanent basis, and not college boys during summer months only; that a training program will be instituted for the drivers, and they will be closely supervised and safety checks made in the field. That they will use only up-to-date, well maintained trucks; that red blinker signals will be installed on the trucks and safety warning messages will be prominently painted on the trucks. When truck routes are established, printed lists

of safety rules to parents on the routes will be distributed, explaining precautions the drivers will observe; that safety clubs with membership cards and pins for children will be established, and prizes will be awarded periodically to the child showing unusual interest in safety.

He advised that in order to permanently retain the services of the men they train, they will provide an income for them during winter months from the profits made by the Company.

Councilman Dellinger moved that permission be granted them to operate the trucks and adhere to the ordinance and the ordinance be adopted. The motion was seconded by Councilman Whittington.

Councilman Whittington asked the City Attorney if the other companies operating ice-cream trucks can be required to install the blinker signals, and Mr Morrissey advised only by amending the ordinance.

Councilman Smith called attention that we are trying to stop jay walking now and children do not know anything about traffic and get excited when the ice-cream trucks show up.

The vote was taken on the motion, and carried by the following recorded vote:

YEAS: Councilmen Dellinger, Jordan, Thrower and Whittington.  
NAYS: Councilmen Albea and Smith.

The ordinance is recorded in full in Ordinance Book 13, at Page 106.

**ORDINANCE REQUESTED DRAWN TO AMEND CHAPTER 9, TO PROHIBIT SALE OF ICE-CREAM WITHIN TWO BLOCKS OF SCHOOL PROPERTY.**

Councilman Thrower requested the City Attorney to draw an ordinance for next week's meeting to further amend Chapter 9, to prohibit the sale of ice-cream from trucks within two blocks of school property.

**CHANGE IN DESIGNATIONS ON REST-ROOMS IN COUNTY OFFICE BUILDING REQUESTED.**

Dr. J.S.N. Tross stated while looking over the County's new Office Building, he noticed four or five negroes in the hallway talking rapidly and heatedly and when he approached them he saw they were looking at signs on rooms reading, "For Ladies", "For Gentlemen", "Colored Men", "Colored Women". That they were much disturbed and asked him his opinion and he told them he would express himself to the City Council. Dr. Tross stated it seems to him that with the efforts being made to improve race relations, such situations as this should be changed. Therefore, he is asking the Council to look into this matter and attempt to remedy it as speedily as possible.

Mayor Brookshire stated the Council has no jurisdiction over the County Office Building. That this matter was discussed at the meeting of the Relations Committee of the United Community Council and Mr Charles Lowe stated he would discuss the designations of these rooms with the County Commissioners.

**CONTRACTS AUTHORIZED FOR INSTALLATION OF WATER MAINS IN VARIOUS LOCATIONS.**

Upon motion of Councilman Thrower, seconded by Councilman Dellinger, and unanimously carried, the following contracts for the installation of

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water mains on which the City will finance all construction costs and applicants will guarantee an annual gross water revenue equal to 10% of the total cost, were approved:

- (a) Contract with Trotter & Allan Fine Homes Corp, for the installation of 830-feet of main in Inverness Park, inside the city limits, at an estimated cost of \$1,328.00.
- (b) Contract with Ed Griffin Realty Company, for the installation of 7,970-feet of main and 2 hydrants, in Darby Acres Subdivision No. 4, inside the city limits, at an estimated cost of \$23,000.00.
- (c) Contract with T. R. Helms and W. S. Clanton, for the installation of 680-feet of main in Terrybrook Subdivision, inside the city limits, at an estimated cost of \$1,100.00.

#### CONSTRUCTION OF SANITARY SEWER LINES AUTHORIZED AT VARIOUS LOCATIONS.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, authorizing the construction of sanitary sewer lines at the following locations, with all costs to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contracts:

- (a) Construction of 1,930-feet of sewer lines in Madison Park #6, at the request of Tri-Development Corp, at an estimated cost of \$6,270.00.
- (b) Construction of 600-ft. of sewer lines in West Boulevard, at the request of Mr Joe D. Withrow, at an estimated cost of \$1,900.00.
- (c) Construction of 3,248-ft. of sewer lines in University Park #5, request of C. D. Spangler Construction Company, at an estimated cost of \$10,085.00.

#### CONTRACT AWARDED WILMINGTON ELECTRIC SUPPLY COMPANY FOR TRAFFIC SIGNALS.

Councilman Whittington moved the award of contract to the low bidder, Wilmington Electric Supply Company, for 60-one-way, three-section span wire Traffic Signals, as specified, at their total bid price of \$3,476.25. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Wilmington Electric Supply Co.	\$ 3,476.25
General Electric Supply Co.	\$ 3,500.97
Mill-Power Supply Company	\$ 3,514.57
Graybar Electric Company, Inc.	\$ 3,559.06
Traffic Engineers Supply Corp.	\$ 3,590.61
Marbelite Company, Inc.	\$ 3,633.22

#### CONTRACT AWARDED SHELBY SUPPLY COMPANY FOR CAST IRON SOIL PIPE AND FITTINGS.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, contract was awarded the low bidder, Shelby Supply Company, for 22,250 feet of 4", 5" and 6" Cast Iron Soil Pipe and 3,200 ft. of 4" Soil Pipe Fittings, as specified, at their total bid price of \$43,567.92.

The following bids were received:

Shelby Supply Company	\$43,567.92
Parnell-Martin Supply Co.	\$43,792.83
Hajoca Corporation	\$44,010.19
Noland Company	\$44,120.03
Crane Supply Company	\$44,166.53
Atlas Supply Company	\$44,534.61
Grinnell Company	\$45,304.31

PAY PLAN AMENDED TO ADVANCE POSITION OF ASSISTANT AIRPORT MANAGER TO SALARY RANGE 22 AND ADVANCE SALARY TO STEP F.

Councilman Jordan moved that the Pay Plan be amended to advance the position of the Assistant Airport Manager to Salary Range 22 and advance his salary to Step F under Salary Range 22. The motion was seconded by Councilman Dellinger, and unanimously carried.

CITY MANAGER REQUESTED TO ADVISE RELATIVE TO REPORT THAT SANITARY SEWER LINE BEING CONSTRUCTED IN FREEDOM DRIVE CANNOT SERVE LEFT SIDE OF STREET.

Councilman Dellinger stated he has a request as to the reason the new sewer line being constructed in the 4400 block of Freedom Drive cannot serve the left side of the street, as residents have been advised it was because the elevation is wrong. He requested the City Manager to investigate and report at next week's meeting.

REPORT ON PLANS FOR OBSERVANCE OF UNITED NATIONS DAY ON OCTOBER 24TH.

As Chairman of United Nations Day Committee, appointed by the Mayor, Councilman Smith stated great emphasis will be placed on the observance of Oct. 24th all over the nation. That he has learned a number of local organizations are behind this, and he will appreciate any support the Council members will give him. That he has ordered United Nations flags for City Hall, the Airport and the Coliseum. He stated he feels the United Nations is about the only answer at this point to the world situation.

Mayor Brookshire expressed his appreciation to Councilman Smith for accepting the Chairmanship of the Committee and pledged his support in any way he is needed.

REPORT OF CITY-COUNTY LAND STUDY COMMITTEE.

Councilman Jordan, Chairman of the City-County Land Study Committee, stated they will meet next week; that the Planning Commission will work with them and the Tax Office will get them a list of properties. He stated he feels they are going to find much property the City has deeds to, and if they can get it cataloged he thinks the undertaking will be most worthwhile to the City and County.

CITY MANAGER AND ARCHITECT INSTRUCTED TO FIND SPACE AND ERECT TRAFFIC COURT ROOM, FOR WHICH PURPOSE FUNDS APPROPRIATED FROM CONTINGENCY FUND.

Councilman Whittington moved that the City Manager and Architect, appointed by the Council, be instructed to move rapidly as possible to find space and erect a second Court Room to be used for a Traffic Court, as recommended by Judge P.B. Beacham, and that funds be appropriated from the Contingency Fund for this purpose. The motion was seconded by Councilman Dellinger, and unanimously carried.

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RECOMMENDATIONS OF COUNCIL BANK DEPOSITS COMMITTEE ADOPTED.

Councilman Whittington moved the adoption of the following Recommendations of the Council Bank Deposits Committee, composed of Councilmen Dellinger and Smith and himself, as Chairman. The motion was seconded by Councilman Dellinger, and unanimously carried:

Formula for the distribution of City active accounts among the several Banks:

North Carolina National Bank	35%
First Union National Bank	25%
Wachovia Bank & Trust Company	25%
First Citizens Bank & Trust Co.	10%
Bank of Charlotte )	
Bank of Commerce )	Balance - -
Citizens Bank )	All to service active accounts.
City Savings Bank )	

That the four smaller banks be given the opportunity of servicing some active accounts, as well as time deposits.

That the changes be made effective January 1, 1962; thereafter, active accounts be rotated among the banks annually insofar as practicable.

That the average monthly balance of each active account for a preceding 12-months period be used to determine the percentage of total business each account represents.

Proposed Distribution of City of Charlotte Bank Accounts on a Percentage Basis.

<u>Banks &amp; Funds</u>	<u>Average Monthly Balance</u>		<u>Percentages</u>
	<u>9/60</u>	<u>- 8/61</u>	
<u>North Carolina National Bank</u>			
Airport Fund	\$ 60,398		1.08
City Payroll Account - Average	10,000		.18
Special Bond Funds	1,594,096		28.47
Compensation Funds	1,000		.02
City Colleges Fund	90		.00
Water & Sewer Debt Service Fund	363,136		6.48
TOTAL	\$2,028,720		36.23
<u>First Union National Bank</u>			
General Fund	\$1,238,858		22.12
Auditorium-Coliseum Payroll Account	2,729		.05
Auditorium-Coliseum General Account	35,693		.64
Federal Airport Project	23,527		.42
TOTAL	\$1,300,807		23.23

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<u>Banks &amp; Funds</u>	<u>Average Monthly Balance</u>		<u>Percentages</u>
	<u>9/60 - 8/61</u>		
<u>Wachovia Bank &amp; Trust Company</u>			
Water & Sewer Fund	\$	735,370	13.13
Park & Recreation Payroll Account		6,652	.11
Special Bond Funds		258,506	4.62
Municipal Debt Service Fund		382,095	6.84
Special Funds -Mental Health Clinic Bldg		13,379	.24
TOTAL		\$1,396,002	24.94
<u>First Citizens Bank &amp; Trust Company</u>			
Collector of Revenue Account	\$	601,192	10.74
TOTAL	\$	601,192	10.74
<u>The Bank of Commerce</u>			
Park & Recreation Commission	\$	63,267	1.13
TOTAL	\$	63,267	1.13
<u>Bank of Charlotte</u>			
Park & Recreation Fund	\$	99,554	1.78
TOTAL	\$	99,554	1.78
<u>Citizens Bank</u>			
Special Assessment Fund	\$	16,151	.29
Cemetery Trust Fund		13,236	.23
School Fund		18,100	.32
TOTAL	\$	47,487	.84
<u>City Savings Bank</u>			
Firemen's Retirement Fund	\$	62,247	1.11
Total	\$	62,247	1.11
TOTALS		\$5,599,276	100%

TRAFFIC COUNTS REQUESTED AT JOY AVE AND ASHLEY ROAD, AND COLONY ROAD AND ROSWELL AVENUE.

Councilman Whittington requested the City Manager to have a traffic count made at the intersection of Joy Avenue and Ashley Road, the Principal of Ashley Park School having advised that a Traffic Signal is badly needed at this point. He also requested that a traffic count be made at the intersection of Colony Road and Roswell Avenue.

COST ESTIMATE FOR IMPROVING TENNESSEE AVENUE AND PLAINVIEW ROAD AND SIMILAR STREETS IN THE PERIMETER AREA REQUESTED.

Councilman Whittington stated that sometime ago he presented the request of the residents of Tennessee Avenue and Plainview Road, and asked that the request be referred to the City Engineer and the street be brought up to standard and paved. That the report he had from the City Engineer was not satisfactory. If he had gone to see the residents they would have gotten the street into condition; instead of which, Mr Cheek wrote him that the City could not do anything. He stated further he thinks the request merits the cooperation of the City Engineer.

Councilman Dellinger stated he is still of the opinion the Council should do something about these streets as the residents of the perimeter area are due this consideration. He stated further that probably a new street program should be set up for these areas. He asked if the City Manager is going to give Council another cost estimate for these streets, and Mr. Veeder replied that he will do so.

STATUS OF HOUSING CODE REQUESTED.

Councilman Whittington asked the City Attorney if he is still trying to get on with the Housing Code, and Mr Morrisey replied that he is and has had several conferences with Mr McMillan. That his work load has been and is such, that he cannot say when it will be ready.

STATUS OF OFFICER ERNEST PRESSLY REQUESTED.

Councilman Thrower requested the City Manager to get with the Chief of Police and see what can be done about a leave of absence for Officer Ernest Pressly; that he would like to know if he ~~is getting rich or what.~~ has adequate income.

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The City Manager replied that Officer Pressly was paid full time up to one year ago, and the Truckers Association is carrying him now to make up for the difference in salary.

Councilman Dellinger stated he has been concerned about the City spending money on him while he is out of the city - that he would like an opinion from the City Attorney on this.

Councilman Albea stated that Officer Pressly is on leave of absence without pay.

CITY MANAGER REQUESTED TO MAKE REPORT ON THE REQUEST FOR SIDEWALKS ON SCALEYBARK ROAD.

Mayor Brookshire stated that Judge Henderson, who lives on Scaleybark Road, advises the street is being widened but sidewalks are not going to be constructed, and they are needed for school children and the residents want them provided. He asked the City Manager to investigate and give Council a report.

SIGNALS AT RAILROAD CROSSING MAY BE REQUIRED BY CITY.

In reply to the request of Council at last week's meeting as to what authority the City has to require Signals at Railroad crossings, Mr. Morrisey, City Attorney, advised it is clear from the Statutes, the Charter and Ordinance that the City may require such signals,

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$50,000 HOSPITAL BOND ANTICIPATION NOTES (GOOD SAMARITAN HOSPITAL).

Councilman Whittington introduced a resolution entitled: "Resolution Providing for the Issuance of \$50,000 Hospital Bond Anticipation Notes (Good Samaritan Hospital)", and following the reading thereof, moved its adoption. The motion was seconded by Councilman Jordan, and the resolution was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, beginning at Page 145.

TIME LIMIT ESTABLISHED FOR HEARING PETITIONS FOR CHANGES IN REZONING OF CHARLOTTE AND PERIMETER AREA.

In connection with the scheduled Hearing of petitions for changes from the zoning proposed under the Rezoning of the City and Perimeter Area, on next Friday night, the City Manager advised the Planning Board Staff will be pleased to have the proposed briefing session prior to the hearing, if the Council thinks it would be helpful.

He advised that 15 applications to be heard have been filed in writing, which will be duplicated and sent to Council on Thursday; that these requests will be heard in numerical order according to the date filed, and other requests by persons appearing on Friday night will be numbered and heard.

That due to the large number of petitioners to be heard, he thinks it would be well to establish a time limit for their speaking, and suggested that 5 minutes per speaker should be sufficient, which was the time allowed by the Planning Board at their hearings.

Councilman Smith moved that 5 minutes per person be allowed and not in excess of 10 minutes per subject. The motion was seconded by Councilman Whittington, and unanimously carried.

ADJOURNMENT.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, the meeting was adjourned.

  
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Lillian R. Hoffman, City Clerk